



January 14, 2021

VIA ECF

Hon. Ona T. Wang
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

**RE: Letter Regarding Status of Discovery
Jennifer Bawden v. David K. Townes (1:19-cv-08034-ALC-OTW)**

Dear Judge Wang,

This firm represents Plaintiff Bawden in the present action filed against Defendant David K. Townes. We write to provide a status regarding the status of discovery per this Court's Scheduling Order [Dkt. 77] dated December 20, 2020. Plaintiff's counsel writes without the input of Defendant Townes as Defendant Townes has failed to provide any input into this letter after Plaintiff's counsel called Mr. Townes on January 13, 2021, left Mr. Townes a voicemail, and sent Mr. Townes an email with a draft joint letter on January 13, 2021.

As a preliminary matter, Plaintiff's counsel served Plaintiff's 26(a) Initial Disclosures on Defendant Townes on December 18, 2020 via electronic mail and hard copy to his home address. To date, Defendant Townes has failed to serve his 26(a) Initial Disclosures on Plaintiff, and if he has, Plaintiff has not received them. On January 13, 2021, Plaintiff's counsel called, left a voicemail, and e-mailed Defendant Townes to follow up on the 26(a) Initial Disclosures. Defendant Townes has not yet responded. Accordingly, Plaintiff respectfully requests that this court Order Defendant Townes to serve his 26(a) Initial Disclosures on Plaintiff so that discovery can proceed without delays.

Additionally, per the 26(f) Report, the parties are due to exchange initial document requests and interrogatories by tomorrow, January 15, 2021. As Defendant Townes has failed to serve his 26(a) Initial Disclosures, Plaintiffs' counsel anticipates that Defendant's discovery demands will also not be served on January 15, 2021 as scheduled. Accordingly, Plaintiff's counsel will attempt to resolve any discovery disputes with Defendant Townes prior to bringing it to the Court's attention but anticipates that Court intervention may be required.

I thank the Court for its consideration and attention to this matter.

Respectfully Submitted,
DEREK SMITH LAW GROUP, PLLC.
Attorneys for Plaintiff

BY: /s/
Danilo Bandovic, Esq.
1 Pennsylvania Plaza, 49th Floor

New York, New York 10119

CC: Defendant Townes by Electronic Mail

Defendant is directed to serve his initial disclosures by February 2, 2021. Defendant is warned that failure to comply with his discovery obligations may result in a recommendation that his answer be stricken and a default judgment be entered against him.

Plaintiff is directed to submit a joint status letter on February 12, 2021.

Plaintiff is directed to serve a copy of this Order on Defendant by email and file an affidavit of service.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Defendant.

SO ORDERED.



Ona T. Wang Jan. 19, 2021
U.S.M.J.